



Think, think...

Freedom of Expression Weekly Bulletin

(Issue 21/19, 24 May 2019)

What happened last week?

*** President Erdoğan indicated that they will not step back in the matter of S-400 rocket defense systems, purchased from Russia, and stated that S-500s will be purchased afterwards.

*** Washington administration was asserted to have given Ankara time until the end of the first week of June before they execute sanctions related to the S-400 crisis. Turkish Defense Minister stated that they are currently preparing for potential sanctions that could come from Washington.

*** Having previously announced that he “*does not respect*” Constitutional Court decrees and ordering the judiciary what to do, Erdoğan replied to criticisms on the High Electoral Council (YSK) decision and said, “*No judicial institution or member is obliged to decide in accordance with the interests of a party, politician or entity.*”

*** High Electoral Council (YSK) announced the reason for the cancellation of the mayoral elections in Istanbul. The reasoned decision did not explain how ballot board chairs (who are not public officers) have influenced the result; no data took place regarding the allegation of the Justice and Development Party (AKP) on “*the votes having been stolen.*” Four members have put an annotation on the decision, saying, “*This situation can’t be a reason for cancellation of elections.*” **(Details below...)**

*** Recent developments have put further pressure on the Turkish Lira and the Lira continued to separate from currencies of other developing countries in the negative direction. The exchange rate with US Dollars increased above the 6.13 level.

*** The Constitutional Court decided that there was no rights violations in the application of Osman Kavala. **(Details below...)**

*** The application of arrested “*peace academic*” Füsün Üstel to be transferred to an open prison and to be released with judicial measures was denied. **(Details below...)**

*** Following the clashes after the operation organized in Halfeti district of Urfa, the district was taken under blockade. Those detained were exposed to torture. **(Details below...)**

*** The Constitutional Court has issued 7,626 verdicts of violation in total, 4,212 of which were in regards to the right to fair trial. The high court further decided that the right to freedom of expression was violated in 212 verdicts. [Please click here](#) for details.



YSK announces reasoned decision

The High Electoral Council (YSK) has announced the reason for the decision to cancel the mayorship elections in Istanbul 16 days after the cancellation. The decision did not include any data regarding the allegation of the Justice and Development Party (AKP) on the votes

having been stolen. No explanations were made on the reason that one of the four votes in the envelope having been cancelled and the other three having been accepted. The elections were cancelled based on “754 ballot box chairs were not public officers;” whereas it was not revealed how the chairs have influenced the results. The decision further asserted that cost sheets of 108 ballot boxes not having been issued as the second reason for cancellation. However, the decision indicated that only 18 ballots among those 108 were related to the metropolitan municipal elections and it was admitted that this did not influence the result greatly.

YSK Chairman Sadi Güven and council members Cengiz Topaktaş, Kürşat Hamurcu and Yunus Aykın have put annotations of objection to the decision. “*Objections made after procedures on ballot box councils are completed can not be shown as a reason for cancellation after the elections,*” Güven said. Topaktaş indicated that they have counted unsealed envelopes valid in the April 16 referendum even though the procedure was illegal, saying, “The decision to cancel and re-hold the elections has neglected the will of the electors.” Hamurcu stated that there were no concrete allegations or objections that indicated an intervention against the honesty and objectivity of the elections, with which action and procedure. Aykın further indicated that all counting and sorting of votes were made at ballot boxes with members of the Justice and Development Party (AKP) members on duty as well and that there were no prior complaints or objections made on the allegations that were later asserted.

[Please click here](#) for the bulletin we prepared on the experiences before, during and after the local elections.



Academic prosecutions: First two lawsuits held against civil disobedience protest

Prosecutions of artists, journalists and writers, who denounced themselves at the Prosecutor's Office with a civil disobedience protest to support academics signing the Peace Petition, have started. Zeynep Tanbay and Halim Bulutoğlu stood trial within the first two

lawsuits filed separately against 17 disobedient civilians. Istanbul 14th Assize Court denied

the acquittal claims and scheduled the next hearing of the case against Tanbay to September 24th to start at 13:30 and the case against Bulutoğlu to September 24th to start at 13:50.

On the other hand, the verdict issued by the enforcement judiciary for “peace academic” Füsün Üstel to be transferred to an open prison was reversed by Eskişehir 1st Assize Court following the objection of the Prosecutor’s Office. The court decided that Üstel was an “illegal organization member” and denied her application for monitored release. Another Peace Petition signatory academic was convicted this week in academic prosecutions. The academic was sentenced to 2 years and one month of imprisonment and the verdict was not deferred. With the latest decree, the number of convicted academics so far has reached 192. Sentences against 35 academics were not deferred. For details; <https://goo.gl/KGktHa>



Constitutional Court decides no rights violation in application for Osman Kavala

The Constitutional Court (AYM) has denied the application for businessman Osman Kavala, who was arrested on November 1, 2017 within the Gezi Park

investigation. Kavala had applied to the Constitutional Court due to his “right to personal freedom and security” was violated through his unlawful arrest, restriction of access to the investigation file and that the evaluation of his arrest was made without him standing before a judge/court. The High Court decided that there was no rights violations in the application of Kavala, with 10 votes for and 5 votes against.



Urfa Bar Association: Those detained in Halfeti tortured

One police officer has lost his life in the clashes in Halfeti district of Urfa during a police operation organized on the weekend. The district was taken under police blockade and 54 people were detained. Şanlıurfa Bar Association indicated that those detained were tortured and that there were concrete

indications for it, further stating that those tortured included children. Those detained were restricted from meeting with their lawyer for 24 hours and many lawyers were prevented from seeing their clients even after the fulfillment of that period.



Seven sentenced to imprisonment in Özgür Gündem Case

In the lawsuit filed against previously shut-down Özgür Gündem Daily Co-Editors-In-Chief, Managing Editor and 20 writers, seven people were sentenced to a total of 15 years and one month of imprisonment due to “making illegal organization propaganda.”



Attacks continue against journalists

Güney Haberci News Portal Editor-In-Chief Ergin Çevik was attacked by three unidentified people in Aksu district of Antalya. Çevik was asserted to have been attacked due to his column on corruption allegations in municipal tenders.



Journalist convicted and imprisoned due to “insulting President”

Journalist Mustafa Yayla, who was convicted of “insulting Erdoğan” through a social media post he made three years ago, was imprisoned. Yayla has stood trial at Kuşadası 2nd Criminal Court of First Instance and was sentenced to 11

months and 20 days of imprisonment.



Lawsuit against CHP Istanbul Provincial Chair’s social media posts

A lawsuit was filed against Republican People’s Party (CHP) Istanbul Provincial Chair Canan Kaftancıoğlu with an imprisonment claim for up to 17 years

due to “insulting the President,” “public denigration of the government of the Republic of Turkey,” “public incitement towards resentment and hostility” and “making illegal organization propaganda” through her social media posts.



2-year 2-month imprisonment sentence against comic due to “insulting Erdoğan”

Deniz Avcı, who shared two different comics published on Evrensel and Cumhuriyet Daily on the social media, was sentenced to 2 years and two months of imprisonment due to “insulting the

President” in Balıkesir. The sentence was effective immediately.



“Gezi” investigation against Metin Cihan, voice of family seeking justice for suspicious death of daughter

An investigation was opened against translator Metin Cihan, who was the social media voice of father Şaban Vatan, giving a fight for justice after his 11-year-old daughter Rabia Naz Vatan suspiciously lost her life. Cihan announced that he was

charged with “public incitement towards resentment and hostility” due to his post that stated, “I don’t regret it, I would do it again [#BenDeGeziciyim](#).”



Parliamentary immunity files of 25 people at GNAT

Immunity files of 25 MPs, including Republican People’s Party (CHP) Chairman Kemal Kılıçdaroğlu as well as People’s Democratic Party (HDP) Co-Chairs Pervin Buldan and Sezai Temelli, were presented to the GNAT Spokesperson’s Office. With the latest 44 summaries presented, the number of summaries in the Parliament reached



Police restriction against anti-homophobia statement of Ankara Bar Association

The press statement to be organized by Ankara Bar Association's LGBTIQ+ Rights Center for May 17, International Day Against Homophobia, Transphobia and Biphobia was not allowed by the police. Claiming a Governorate decision

against the press statement, the police told the lawyers, *"You're provoking us, you can't make a statement here."*



TRIALS OF FREEDOM OF EXPRESSION

- The first hearing of the lawsuit filed against journalist Ahmet Altan following his prosecution due to the column, "The Great War Starts," published on Taraf Daily in 2010, was deferred and Court of Cassation's 11th Chamber Chairman Ersan Ülker made a complaint against Altan after his conviction last year was held at Istanbul Anatolian 2nd Criminal Court of First Instance due to "insulting a public officer due to his duty." The next hearing was scheduled to September 17, 2019.
- The fourteenth hearing of the lawsuit filed against previously shut-down Özgür Gündem Daily executives and workers Eren Keskin, Hüseyin Aykol, Reyhan Çapan, Filiz Koçali, Ayşe Berktaş, Nuray Özdoğan, Celalettin Can, Ayşe Batumlu and Reyhan Hacıoğlu due to "making terrorist organization propaganda" was held at Istanbul 14th Assize Court. The court sentenced Eren Keskin and Reyhan Çapan to be sentenced to 3 years and nine months, Hüseyin Aykol to 2 years and one month, Ayşe Batumlu and Reyhan Hacıoğlu to 1 year and three months of imprisonment due to "propaganda." Ayşe Berktaş and Celalettin Can were acquitted. The file of Filiz Koçali was separated from the others, as the warrant issued against her was not executed and her defense statement was not received. The court issued Nuray Özdoğan's acquittal and deferred the sentence against Ayşe Batumlu.
- A lawsuit was filed against Betül Celep, who performed a sit-in protest for 66 days after its start on January 23, 2016 at Kadıköy Khalkedon Square after having been dismissed from her job at Istanbul Sovereignty Agency with an emergency decree issued on January 6, 2016, following the complaint of Deputy Governor Ahmet Önal (who initially fired Celep) due to "insulting and threatening a public officer" through sharing Önal's unlawful applications at the public demonstration area as well as on social media accounts. The first hearing of the lawsuit was held at Istanbul 8th Criminal Court of First Instance. The court issued the acquittal of Celep, evaluating that there was no criminal intent in her words.
- The seventh hearing of the lawsuit filed against 27 Etkin News Agency (ETHA) workers, including editor and translator Meşale Tolu, due to "terrorist organization membership" and "making terrorist organization propaganda" was held at Istanbul

29th Assize Court. The court decided to remove the travel ban against defendant Deniz Havuç and for the judicial measures against the other 22 defendants to remain. The next hearing was scheduled to October 11, 2019 to start at 10:00.

- The lawsuits filed against Halim Bulutoğlu and Zeynep Tanbay, among those filed against the intellectuals making a criminal complaint against themselves to support the Peace Petition signatory academics, were held at Istanbul 14th Assize Court. The court denied claims of acquittal and scheduled the next hearing of the case against Tanbay to September 24th to start at 13:30 and the hearing of Bulutoğlu to September 24th to start at 13:50.
- The third hearing of the lawsuit filed against JinNews News Director Safiye Alağaç due to the news published on the newspaper following the complaint of the Information and Communication Technologies Authority (BTK) with the charge of “making illegal organization propaganda” was held at Diyarbakır 4th Assize Court. The file of Alağaç was combined with the ongoing prosecution file, therefore the court issued a warrant against Alağaç to testify in case an address is not submitted to the court within the next 20 days.
- The ninth hearing of the lawsuits filed against peace academics Esra Mungan, Meral Camcı, Muzaffer Kaya and Kıvanç Ersoy, who were charged with “making terrorist organization propaganda” through signing the Peace Petition, was held at Istanbul 13th Assize Court. The next hearing was scheduled to October 15, 2019 to start at 10:00.
- The first hearing of the lawsuit filed against former owner of Gazete Karınca due to “making successive illegal organization propaganda” through the news on Afrin was held at Istanbul 33rd Assize Court. The court scheduled the next hearing to July 11, 2019 to start at 15:00 for the defense statement against the opinion to be prepared.
- The prosecution of 12 high school students, who were exposed to police torture while attempting to hold a protest against grade reports in Kadıköy, as well as against two journalists, who followed the protest, was held at Istanbul Anatolian 19th Criminal Court of First Instance due to “violating the Law on Meetings and Demonstrations.” The court decided the acquittal of all defendants, indicating that the protest was held with peaceful purposes and that it can’t be evaluated as a crime.
- Prosecutions of academics, who are on trial due to “making terrorist organization propaganda” through signing the Peace Petition of the Academics for Peace, continued this week. Prof. Dr. Ayşe Gül Altınay was sentenced to 2 years and one month of imprisonment in the fourth hearing of the lawsuit filed against her at Istanbul 25th Assize Court. The sentence was not deferred.

HEARINGS NEXT WEEK

- The seventh hearing of the lawsuit filed against previously shut-down Dicle News Agency (DIHA) reporter Ziya Ataman, in which he was on trial for approximately three years, will be held on May 28th, Tuesday at Şırnak 1st Assize Court.
- The fourth hearing of the lawsuit filed against nine people, including Etkin News Agency (ETHA) Reporter Ali Sönmez Kayar, due to “illegal organization membership” will be held on May 28th, Tuesday, at Istanbul 32nd Assize Court.
- The fifth hearing of the lawsuit filed against journalist-writer Mehmet Gündem, who was detained and arrested on November 1, 2017 within the operation against the

Journalists and Writers Foundation with the allegation of being a “FETÖ” membership will be held on May 29th, Wednesday at Istanbul 35th Assize Court.

- The second hearing of the lawsuit filed against Asst. Prof. Bülent Şık, who shared the cancer research conducted by the Health Ministry in Kocaeli, Antalya, Tekirdağ, Edirne and Kırklareli with the public after the results were not publicly released, will be held on May 30th, Thursday at Istanbul 2nd Criminal Court, to start at 10:05. Şık had announced the research with the public with an article series he wrote on Cumhuriyet Daily and is now charged due to “announcing confidential information (Turkish Penal Code Article 258),” “obtaining confidential information (Turkish Penal Code Article 334)” and “revealing secrets related to duty (Turkish Penal Code Article 336).”
- The third hearing of the lawsuit filed against artist Ferhat Tunç due to “insulting the President” through his social media posts following the personal complaint of Erdoğan will be held on May 31st, Friday at Büyükçekmece 14th Criminal Court of First Instance.
- Prosecutions of the Peace Academics, who are on trial due to “making terrorist organization propaganda” through signing the Peace Petition of the Academics for Peace, will continue next week at Istanbul Courthouse in Çağlayan as well as in various courthouses throughout Turkey.